

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CEQUENT TRAILER PRODUCTS, INC.,

Plaintiff,

-vs-

Civil Action No.:  
05-CV-0074 (NAM/GJD)

DIVERSI-TECH CORP.,

Defendant.

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that the motion of Defendant, Diversi-Tech Corp. for summary judgment of patent invalidity under 35 U.S.C. § 102(a) and (b) is returnable in the United States District Court for the Northern District of New York, at the Federal Courthouse, 100 S. Clinton Street, Syracuse, New York, before the Hon. Norman A. Mordue, U.S.D.J., on his regularly scheduled return date of July 20, 2005 at 10:00 a.m. The motion is founded upon the annexed Statement of Undisputed Material Facts; Declaration of Paul W. Budge, dated June 7, 2005, with exhibits; Declaration of Brian Musgrave, with exhibit; Declaration of Larry Musgrave, with exhibit; Declaration of Jon Rimer, with exhibit; Declaration of James Rimer, with exhibit;

Declaration of James R. Muldoon, Esq., with exhibits; and such reply papers as Defendant may later file in accordance with the Federal Rules of Civil Procedure and the Local Rules.

Dated: June 7, 2005.

Respectfully Submitted,

WALL, MARJAMA & BILINSKI, LLP

By: s/James R. Muldoon

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*Attorneys for Defendant Diversi-Tech Corp.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2005, I electronically filed the Notice of Motion with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing, to the following:

Edward R. Conan, Esq.  
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Syracuse, NY 13202

s/James R. Muldoon

James R. Muldoon